



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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December 27, 2007

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597

RE: **DOCKET NO. 337** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63), Goshen, Connecticut.

Dear Attorney Baldwin:

By its Decision and Order dated December 14, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63) in Goshen, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/cm

Enclosures (4)

c: Sandy Carter, Regulatory Manager, Verizon Wireless



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CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 337

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63), Goshen, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on December 14, 2007

By order of the Council,


Daniel F. Caruso, Chairman

December 14, 2007



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Chairman

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December 27, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 337** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63), Goshen, Connecticut.

By its Decision and Order dated December 14, 2007 the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63) in Goshen, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/cm

Enclosures (3)

c: Kenneth C. Baldwin, Esq., Robinson & Cole LLP
State Documents Librarian

DOCKET NO. 337 - Cellco Partnership d/b/a Verizon Wireless } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance and operation of a } Siting
telecommunications facility located off North Street (Route 63), }
Goshen, Connecticut. } Council

December 13, 2007

Findings of Fact

Introduction

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (RCSA), Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) on May 8, 2007 for the construction, operation, and maintenance of a telecommunications facility to be located off North Street (Route 63) in the Town of Goshen, Connecticut. (Cellco 1, p. 1)
2. Cellco is a Delaware Partnership with an administrative office located at 99 East River Drive, East Hartford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to operate a wireless telecommunications system in Connecticut. The operation of wireless telecommunications systems and related activities are Cellco's sole business in Connecticut. (Cellco 1, p. 4)
3. The party in this proceeding is the applicant. (Transcript, August 9, 2007, 3:20 p.m. [Tr. 1], p. 5)
4. Cellco's proposed facility would provide coverage along Route 63 and portions of Route 4 as well as on local roads in the central portion of Goshen. (Cellco 1, pp. 1-2)
5. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on August 9, 2007, beginning at 3:20 p.m. and continuing at 7:00 p.m. in Goshen, Connecticut. (Tr. 1, p. 2 ff.)
6. The Council re-opened the public hearing after it was closed on August 9, 2007 and held the re-opened hearing on October 16, 2007 beginning at 1:05 p.m. in Hearing Room Two, Ten Franklin Square in New Britain. The hearing was re-opened to consider information about the possible presence of State listed species in the vicinity of Cellco's proposed site. (Transcript, October 16, 2007, 1:05 p.m. [Tr. 3], pp. 2-3)
7. The Council and its staff conducted an inspection of the proposed site on August 9, 2007, beginning at 2:00 p.m. The applicant flew a balloon from 8:00 a.m. until 5:00 p.m. at the proposed site to simulate the height of the proposed tower. Weather conditions were excellent for a balloon flight with minimal winds and good visibility. (Tr. 1, pp. 17-18)

8. Pursuant to CGS § 16-50(b), notice of Cellco's intent to submit this application was published on May 3 and 4, 2007 in The Waterbury Republican-American. (Cellco 1, p. 5)
9. In accordance with CGS § 16-50(b), Cellco sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (Cellco 1, p. 5; Attachment 4)
10. Cellco received the certified mail return receipts from all of the abutting property owners to whom notices were sent. (Cellco 6, Response 6)
11. On July 24, 2007, Cellco installed a 4-foot by 8-foot sign, informing the general public of its pending application, at the proposed location of the facility's driveway. (Tr. 1, p. 18)
12. Pursuant to CGS § 16-50(b), Cellco provided notice to all federal, state and local officials and agencies listed therein. (Cellco 1, p. 5; Attachment 2)

State Agency Comment

13. Pursuant to CGS § 16-50, the Council solicited comments on Cellco's application from the following state departments and agencies: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. The Council's letters requesting comments were sent on June 29 and August 10, 2007. (CSC Hearing Package dated June 29, 2007; CSC Letter to State Department Heads dated August 10, 2007)
14. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comment. (ConnDOT Letter dated July 30, 2007)
15. Besides the response received from ConnDOT, no other comments were received from any state agencies. (Record)

Municipal Consultation

16. Cellco representatives met with Robert P. Valentine, First Selectman of the Town of Goshen, on March 2, 2007 to discuss its proposed facility. At this meeting, First Selectman Valentine received a technical report summarizing Cellco's plans for its Goshen facility. (Cellco 1, pp. 16-17)
17. Cellco made a formal presentation about its planned facility at a joint meeting of Goshen's Board of Selectman and Planning and Zoning Commission on May 1, 2007. (Cellco 1, p. 17)
18. At the joint meeting of the Board of Selectmen and Planning and Zoning Commission, town officials indicated an interest in using the proposed tower for the town's emergency service and municipal communications antennas. (Cellco 1, p. 17)

19. Goshen's interest in placing a town antenna on Cellco's tower was confirmed in a letter from the town's first selectman. (Cellco 3, Letter from Robert Valentine, Goshen First Selectman, dated June 5, 2007)
20. Goshen's communications system has some dead spots in the vicinity of North Goshen Road that would be eliminated if the town were to locate antennas on Cellco's proposed tower. (Tr. 1, p. 7)
21. Cellco would make space available on its proposed tower and within its equipment compound to the Town of Goshen at no charge. (Cellco 1, p. 10; Cellco 4, Letter from Sandy Carter, Cellco, in response to Goshen First Selectman's letter, dated June 14, 2007)
22. At the Council's public hearing, Goshen's First Selectman expressed his preference that Cellco's tower not be disguised as a tree as proposed in the application. (Tr. 1, pp. 6-7)

Public Need for Service

23. In its Report and Order issued May 4, 1981 in FCC Docket No. 79-318, the FCC recognized the public need for technical improvement, wide-area coverage, high quality service and a degree of competition in mobile telephone service. (Cellco 1, p. 5)
24. The federal Telecommunications Act of 1996 (Act), a federal law passed by the United States Congress, recognized a nationwide public need for high-quality wireless telecommunication services. The Act also promoted competition among wireless service providers, tried to foster lower prices for consumers, and encouraged the rapid deployment of new telecommunications technologies. (Cellco 1, p. 6)
25. Cellco's proposed facility off of North Road (Route 63) would be part of its expanding wireless telecommunications network envisioned by the Act. (Cellco 1, p. 6)
26. Cellco holds a license issued by the FCC to provide Personal Communications Service (PCS) in Litchfield County. (Cellco 1, p. 7)
27. Cellco's proposed Goshen facility would not enlarge its FCC-authorized service area. (Cellco 1, p. 7)
28. In issuing cellular licenses, the federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. (Council Administrative Notice, Telecommunications Act of 1996)
29. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)

30. The Telecommunications Act of 1996 prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice, Telecommunications Act of 1996)
31. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Council Administrative Notice, Wireless Communications and Public Safety Act of 1999)
32. Cellco's antennas would comply with the 911 Act requirements. (Cellco 6, Response 2)

Site Selection

33. Cellco investigated seven sites as possible locations for its proposed facility. These sites and the respective determinations of their suitability are listed below.

Address	Suitability
North Street (Brass Mountain), Goshen	Site of proposed facility
Goshen Congregational Church	Cellco explored installation of antennas in this church's steeple. SHPO determined that the extensive rebuilding required to accommodate the antennas would have an <u>adverse effect</u> on church's historic character.
228 Weed Road	This Site is located south of Route 4, approximately 2 ½ miles east of Route 63; it would not satisfy Cellco's coverage objectives.
495 North Street	This property is a residential parcel located east of North Street and north of Cellco's proposed site. Topography prevents this site from satisfying Cellco's coverage objectives.
211 North Street	This is a residential parcel west of Route 63, ½ mile south of Cellco's proposed site; its low ground elevation prevents it from satisfying Cellco's coverage objectives.
250 North Street	Residential parcel west of Route 63, ½ mile south of Cellco's proposed site; low ground elevation prevents this site from satisfying Cellco's coverage objectives.
North Street – CL&P Structures	Existing CL&P transmission line runs parallel to North Street, but lower elevation of line means comparable coverage is not possible from this line.

(Cellco 1, Attachment 8, pp. 2-3)

34. Cellco first issued a search ring in this area in June, 2004. Its ring was roughly centered on Brass Mountain. (Cellco 6, Response 14)
35. Cellco maintains two existing communications facilities located within four miles of its Goshen search area. The two facilities are located at 113 Brush Hill Road in Goshen (Docket 260) and at 136 Wright Road in Torrington. Neither of these locations would be able to provide the coverage or capacity relief Cellco is seeking to achieve from the proposed location. (Cellco 1, Attachment 8, p. 1)
36. Cellco maintains that there are no viable and available alternative technologies to provide the coverage and service that its proposed facility would provide. (Cellco 1, p. 9)
37. The transmission line structures that run parallel to Route 63 in the vicinity of the proposed facility are approximately 70 to 80 feet tall. Cellco would need at least two structures with extensions to 120 feet to provide coverage that would be comparable to the coverage achievable from the proposed site. (Cellco 7, Response 15)
38. There is a 260-foot guyed lattice tower on Ivy Mountain, located more than two miles to the northeast of Cellco's proposed site. The tower does not appear in any of the Council's databases nor in the FCC's antenna structure registration database. Signage on the equipment shelter at the base of the tower identifies the antenna owner as "Army Radio." Even with antennas at 199 feet above ground level on this tower, Cellco could not cover Route 63, its primary objective. (Cellco Late File Exhibit, Response No. 2)
39. There is a 180-foot self-supporting lattice tower on Mohawk Mountain operated by the Connecticut Department of Public Safety. Cellco is not on this tower, which is nearly four miles from its proposed site in Goshen. Even with antennas at 199 feet above ground level, Cellco could not cover Route 63 from this location. (Cellco Late File Exhibit, Response No. 3)

Site Description

40. Cellco's proposed site is located on a 233-acre parcel off of North Road (Route 63) in Goshen. The parcel is owned by ARCA LLC and is undeveloped. (Cellco 1, p. i; p.2; Attachment 1)
41. The parcel is zoned RA-5 (Residential-Agriculture). Wireless communications facilities are permitted in RA-5 zones subject to Special Permit approval. (Cellco 1, p. 2; Town of Goshen Zoning Regulations – bulk filed)
42. Cellco's facility would be located within a 100-foot by 100-foot lease parcel in the southwesterly portion of the ARCA property. Cellco would construct a 150-foot tall steel monopole tower that would be disguised as a pine tree. Simulated tree branches would extend to an overall height of 157 above ground level (AGL). Cellco would install twelve panel antennas at the top of the tower. The antennas would extend to an overall height of 153 feet AGL. Cellco's ground equipment would be located within a 12-foot by 30-foot equipment shelter. (Cellco 1, p. 2)

43. Although Cellco proposed building a tower designed to appear as a pine tree, it would be amenable to building a plain steel monopole as preferred by Goshen's First Selectman. (Tr. 1, p. 33)
44. The proposed tower would be located at 41° 51' 22.78" N latitude and 73° 14' 29.69" W longitude. Its elevation at ground level would be approximately 1,599 feet above mean sea level. (Cellco 1, Attachment 1, p. 4)
45. Cellco's tower would be designed in accordance with the specifications of the Electronic Industries Association Standard EIA/TIA-222-F-96 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Cellco 6, Response 12)
46. The tower would be designed to accommodate three additional wireless carriers as well as the Town of Goshen's antennas. (Cellco 1, Attachment 1, Drawing C-2)
47. Either T-arm mounts or a platform would be acceptable to Cellco for mounting its antennas on the tower. (Tr. 1, p. 18)
48. If Cellco were to flush-mount its antennas, it would need an additional ten feet of tower height, bringing its tower to 160 feet, to connect to its Goshen South site. (Tr. 1, p. 19)
49. Cellco's equipment compound would measure 42 feet by 70 feet and would be enclosed by an eight-foot high chain link fence. (Cellco 1, Attachment 1, Drawings C-2 and C-3)
50. To develop this site, Cellco would need 4,900 cubic yards of cut and 650 cubic yards of fill. (Cellco 6, Response 11)
51. Vehicular access to the site would extend from North Road over a driveway that would be approximately 2,075 long. The driveway would follow an existing dirt road that would be widened, re-graded, and resurfaced to accommodate Cellco's needs. (Cellco 1, p. 2)
52. The access road would be paved approximately 1,635 feet beginning on the east side of the CL&P right-of-way that crosses the access road to Cellco's equipment compound. (Tr. 1, pp. 49-50)
53. In some locations, particularly at the higher elevations of Brass Mountain, the access road would reach grades of 20 percent. (Tr. 1, p. 50)
54. Utilities would be brought to the site from North Road along the shoulder of the access road. (Cellco 6, Response 22)
55. Utilities would be installed underground from North Road to the site. (Tr. 1, p. 30)
56. It is likely that blasting would not be required to develop this site. (Cellco 6, Response 18)
57. The tower's setback radius would lie completely within the ARCA parcel. (Cellco 1, Attachment 1, Drawing C-1A)

58. The nearest residence to the proposed site is located approximately 735 feet to the west. It is owned by Vicki and Allen Kinsella. (Cellco 1, p. 13; Attachment 1, Drawing C-1A)
59. There are three residences located within 1,000 feet of Cellco's proposed site. (Cellco 1, p. 13)
60. The vicinity of the proposed site is generally undeveloped or scattered residential properties. (Cellco 1, Attachment 1, p. 5)
61. The cost of the facility was originally estimated to be approximately \$850,000. After completing a more detailed design, the project engineer estimated that the facility cost would be between \$950,000 and \$1,100,000. (Tr. 1, p. 14)

Environmental Considerations

62. Cellco's proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Cellco 1, Attachment 10 - Letter from Deputy State Historic Preservation Officer dated January 16, 2007)
63. Staff members of DEP conducted a visit to Cellco's proposed site on September 26, 2007. During this visit, the DEP representatives observed Balsam fir (*Abies balsamea*) seedlings and Naked miterwort (*Mitella nuda*) in the wetland area at the base of the slope of Brass Mountain, within one hundred feet downstream of the existing wetland crossing. The representatives collected samples of currant (*Ribes*) species, one of which may be a Bristly Black Currant, which is listed as a State Endangered species. The species could not be conclusively identified since there were no flowers or fruit on the plants. Balsam fir is listed as a State Endangered species, and Naked miterwort is listed as a State Special Concern species. (Email correspondence from Nancy Murray, DEP regarding September 26, 2007 Site Visit to proposed Goshen site; Tr. 3, pp. 12, 26)
64. In order to protect the observed species during construction, DEP recommended establishing and maintaining erosion and siltation controls during the entire construction period of the project and using best management practices, including having a contingency response plan during construction. DEP also recommended having extra materials on site for rapid response to erosion and siltation events and appointing an independent site inspector to monitor construction activities. (Email correspondence from Nancy Murray, DEP regarding September 26, 2007 Site Visit to proposed Goshen site)
65. Cellco agrees with DEP's recommendations and would implement them. In addition, Cellco would conduct a worker education seminar prior to construction to ensure its construction crew is aware of the sensitivity of the listed species. (Tr. 3, p. 13)

66. Cellco made revisions to its original site plan to address DEP's concerns. It shifted the wetland crossing to the north approximately 16 feet. It would deploy a sandwich type siltation fence as an additional erosion barrier during construction. It would install 300 linear feet of orange construction fence to highlight the boundaries of the sensitive area. It also re-designed the proposed drainage swales alongside the access road to avoid the potential of sedimentation build up. In order to minimize the potential for sedimentation building, check dams would be added to the access road to reduce water flow through the drainage swales. (Tr. 3, pp. 14-15)
67. Cellco would be amenable to hiring an independent inspector to monitor construction activities. (Tr. 3, p. 21)
68. An estimated 167 trees with a diameter at breast height of six inches or more would be removed to construct the access driveway, utility right-of-way, and facility compound. (Cellco 6, Response 10)
69. There are no wetlands or watercourses near Cellco's proposed equipment compound. (Cellco 1, p. 16)
70. The facility's access road would cross a forested wetland corridor and an intermittent watercourse. This area is located approximately 150 east of North Road. Proposed improvements to the existing dirt road would result in permanent wetland fill of approximately 1,880 square feet. These improvements would consist of placement of fill material to create a stable road base and the replacement of the existing single 12-inch culvert with two 24-inch culverts. The wetland fill would be placed within the existing disturbed and degraded wetland crossing. (Cellco 1, p. 16; Attachment 11)
71. The existing culvert can constrict the flow of the intermittent watercourse during peak flow conditions. The proposed culverts would eliminate this condition. (Tr. 1, pp. 22-23)
72. Installation of new 24-inch culverts would remove the scour hole created by the existing culvert. Trap rock that has been placed in the streambed to minimize erosion would be replaced with native stream bed material. The new culverts would be buried 12 inches below the existing streambed elevation. Streambed material would be placed in the culverts to recreate habitat and facilitate the passage of small finfish and other aquatic organisms through the culvert beneath the road crossing. (Tr. 1, pp. 23-25)
73. Cellco would establish and maintain soil erosion and sedimentation control measures consistent with the Connecticut Soil Erosion Control Guidelines established by the Council for Soil and Water Conservation throughout the construction of the facility. (Cellco 1, p. 16)
74. Cellco's ground equipment would include a 210-gallon diesel fuel tank for its diesel generator. The fuel tank would be double-walled and include a lead detection monitoring system. (Cellco 1, p. 3)
75. Cellco would need to obtain an air permit from DEP for the installation of the diesel generator at its facility. (Cellco 1, p. 18)

76. An air-space analysis conducted by Cellco indicated that, according to FAA standards, its proposed tower would not constitute an obstruction or hazard to air navigation and would not require obstruction marking or lighting. (Cellco 1, p. 17; Attachment 12)
77. According to calculations performed by Cellco, the maximum power density from the radio frequency emissions of Cellco's proposed antennas would be 2.46% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Cellco 1, p. 14)

Visibility

78. Cellco's tower at the proposed facility would be visible year-round from approximately 243 acres in the surrounding vicinity. (Cellco 1, Attachment 9, p. 4)
79. Much of the acreage from which the proposed tower would be visible occurs over open water in Tyler Lake and West Side Pond. Visibility over these water bodies accounts for approximately 140 of the 243-acre total. (Cellco 1, Attachment 9, p. 4)
80. Tyler Lake is approximately 6,800 feet southwest of Cellco's proposed site. Views of the tower from the western portion of the lake would consist of the upper-half of the tower. (Cellco 1, Attachment 9)
81. West Side Pond is approximately 3,000 feet to the west of Cellco's proposed site. Views of the tower from the western portion of the pond would consist of the upper-half of the tower. (Cellco 1, Attachment 9)
82. Approximately 35 residences would have at least partial year-round views of the proposed tower. This total includes three residences on Hill House Road; one residence off Howe Road; three residences located along 5½ Mile Road; 14 residences on West Side Road; one residence on Bartholomew Hill Road; two residences on Sucker Brook Road; one residence on School Hill Road; and approximately 10 residences located in the Tyler Lake Heights area nearly two miles to the southwest. (Cellco 1, Attachment 9, p. 5)
83. The tower would be seasonally visible from an additional 93 acres. The area of seasonal visibility would include portions of Route 63, Hill House Road, and West Side Road. (Cellco 1, Attachment 9, p. 5)
84. Approximately six additional residential properties would have seasonal views of the tower. (Cellco 1, Attachment 9, p. 5)

85. The visibility of the proposed site from different vantage points in the surrounding vicinity is summarized in the following table. The locations of the vantage points listed are identified by their corresponding number in the Visual Resource Evaluation Report contained in Attachment 9 of Cellco's application and Figure 4 of this document.

<u>Location</u>	<u>Site Visible</u>	<u>Approx. Portion of (150') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
1 – Route 63, south of Hill House Road	Yes	Upper 80'	3400 feet; SE
2 – Howe Road, south of Hill House Road	Yes	Upper 80'	4400 feet; SE
3 – 5 ½ Mile Road, south of Hill House Road	Yes	Upper 80'	6900 feet; SE
4 – 5 ½ Mile Road	Yes	Upper 80'	5750 feet; SE
5 – 5 ½ Mile Road, north of Hill House Road	Yes	Upper 60'	7650 feet; SE
6 – 18 Hill House Road	Yes	Upper 80'	3900 feet; SE
7 – 378 West Side Road	Yes	Upper 80'	5070 feet; NE
8 – 315 Bartholomew Hill Road	Yes	Upper 80'	5500 feet; NE
9 – Bartholomew Hill Road, east of Sucker Brook Road	Yes	Upper 60'	6550 feet; NE
10 – 39 Sucker Brook Road	Yes	Upper 80'	6180 feet; NE
11 – 157 West Side road	Yes	Upper 80'	4220 feet; NE
12 – West Side Road	Yes	Upper 80'	4330 feet; NE
13 – Route 4, east of West Street	Yes	Upper 50'	9240 feet; N
14 – West Side Road at School Hill Road	Yes	Upper 40'	4280 feet; NE
15 – 173 School Hill Road	Yes	Upper 80'	6230 feet; NE
16 – 15 Tyler Heights	Yes	Upper 30'	10,400 feet; NE

(Cellco 1, Attachment 9 – Photographic Simulations)

Existing and Proposed Wireless Coverage

86. In Litchfield County, Cellco is licensed to operate in the following frequencies:

PCS F Block – 1970 to 1975 MHz
PCS C3 Block – 1975 to 1980 MHz

(Cellco 6, Response 1)

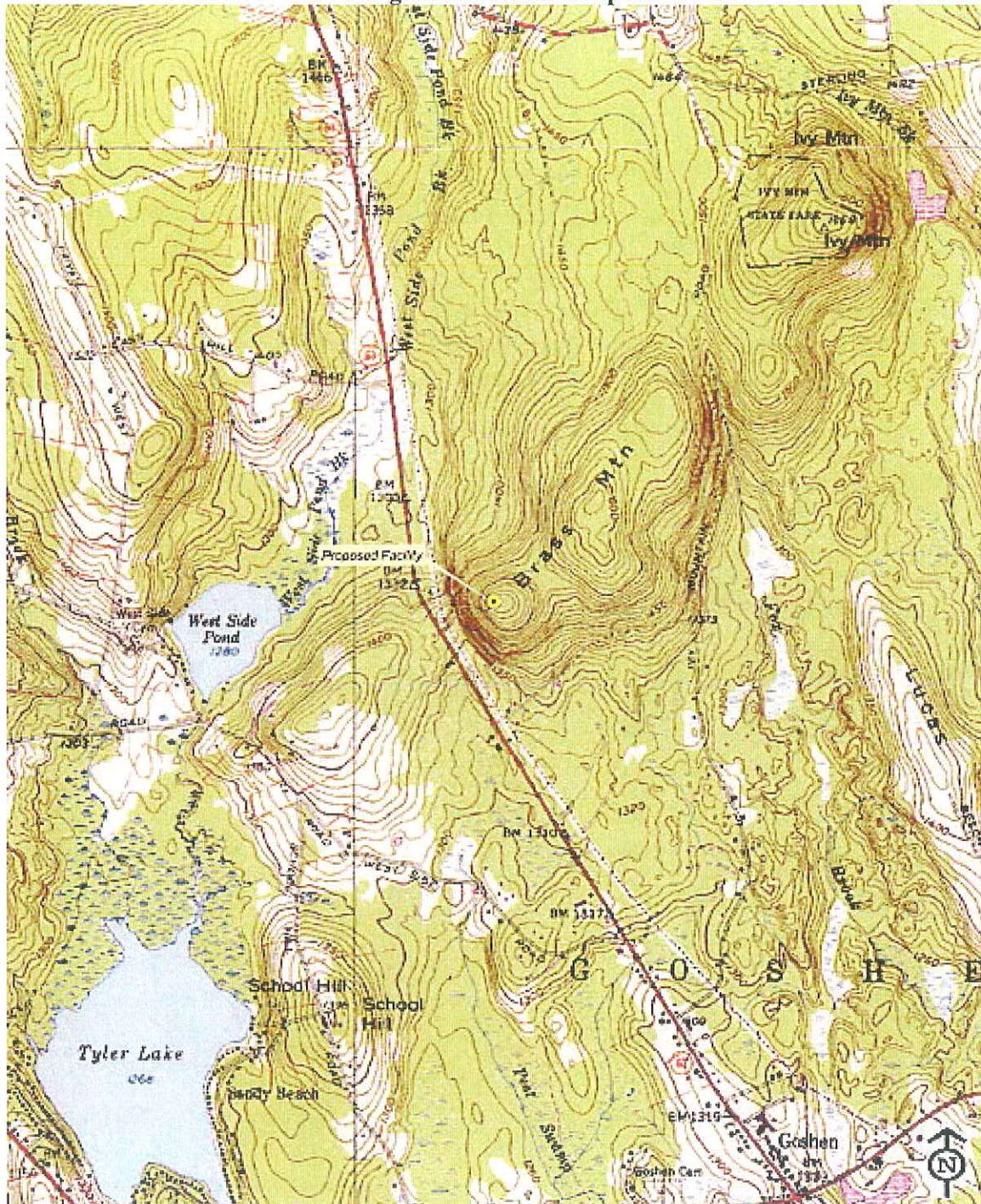
87. At the time of application, Cellco had only limited coverage in the Goshen area. From its antennas located on the monopole at 113 Brush Hill Road in Goshen, Cellco covers a portion of Route 63 south of Route 4 near the Litchfield town line. From its site at 136 Wright Road in Torrington, Cellco covers a short stretch of Route 4 in Goshen. (Cellco 1, p. 2; Attachment 6)

88. From its proposed site, Cellco would cover approximately 4.5 miles on Route 63 and 1.8 miles on Route 4. (Cellco 1, p. 2)
89. Cellco's antennas would cover an overall area of 13.3 square miles from the proposed site. (Cellco 1, p. 2)
90. Cellco designs its wireless systems for a signal strength of -85 dBm for in-vehicle coverage. (Cellco 6, Response 7; Tr. 1, p. 21)
91. For in-building coverage, Cellco's design signal strength is -75 dBm. (Tr. 1, p. 22)
92. Cellco's existing signal strength in the area that would be covered from this site is far below -85 dBm. (Cellco 6, Response 8)
93. From this location, Cellco's antennas would hand off signals to adjacent facilities located at:
- 136 Wright Road, Torrington – 4.2 miles to southeast
113 Brush Hill Road, Goshen – 4.1 miles to south
- (Cellco 6, Response 3)
94. The lowest height at which Cellco could locate its antennas and achieve its coverage objectives at this site is 150 feet. (Cellco 6, Response 5)
95. At lower heights, Cellco would have difficulty handing off signals to its Goshen South facility. (Tr. 1, p. 31)
96. The coverage Cellco could expect from the proposed location at different heights is summarized in the table below.

	150 feet	140 feet	130 feet	120 feet
Overall coverage	13.3 sq. mi.	12.2 sq. mi.	10.47 sq. mi.	8.39 sq. mi.
Rt 63 coverage	4.5 miles	4.2 miles	3.9 miles	2.4 miles
Rt 63 cover gap	No gap	0.15 miles	0.4 miles	0.85 miles
Rt 4 coverage	1.8 miles	1.6 miles	1.1 miles	0.6 miles

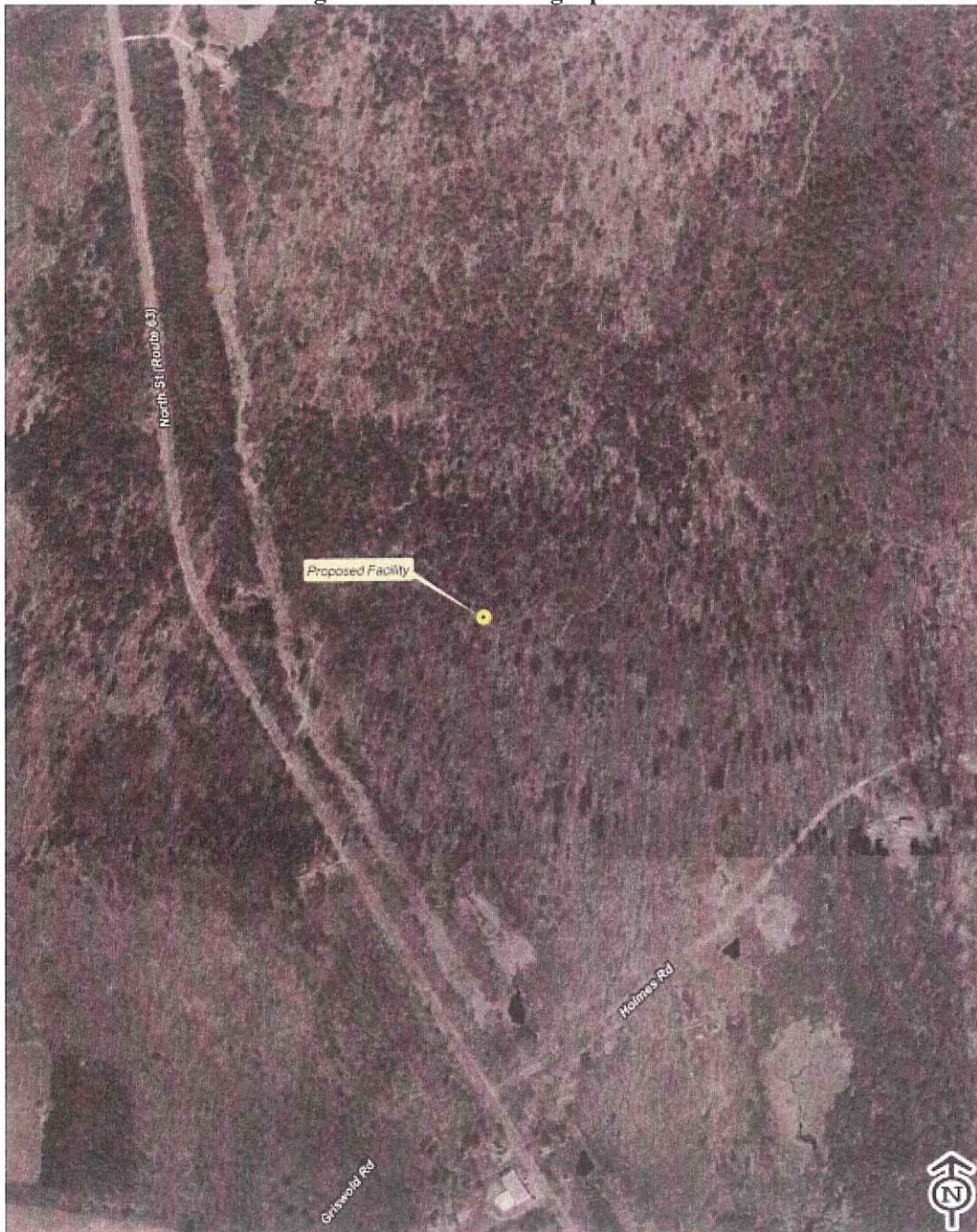
(Cellco Late File Exhibit, Response No. 1)

Figure 1: Location Map



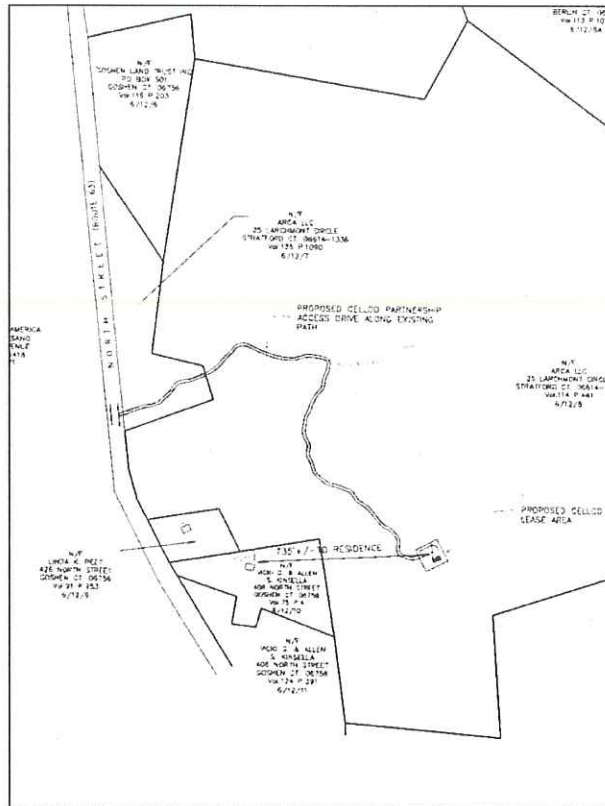
(Cellco 1, Attachment 1)

Figure 2: Aerial Photograph of Site



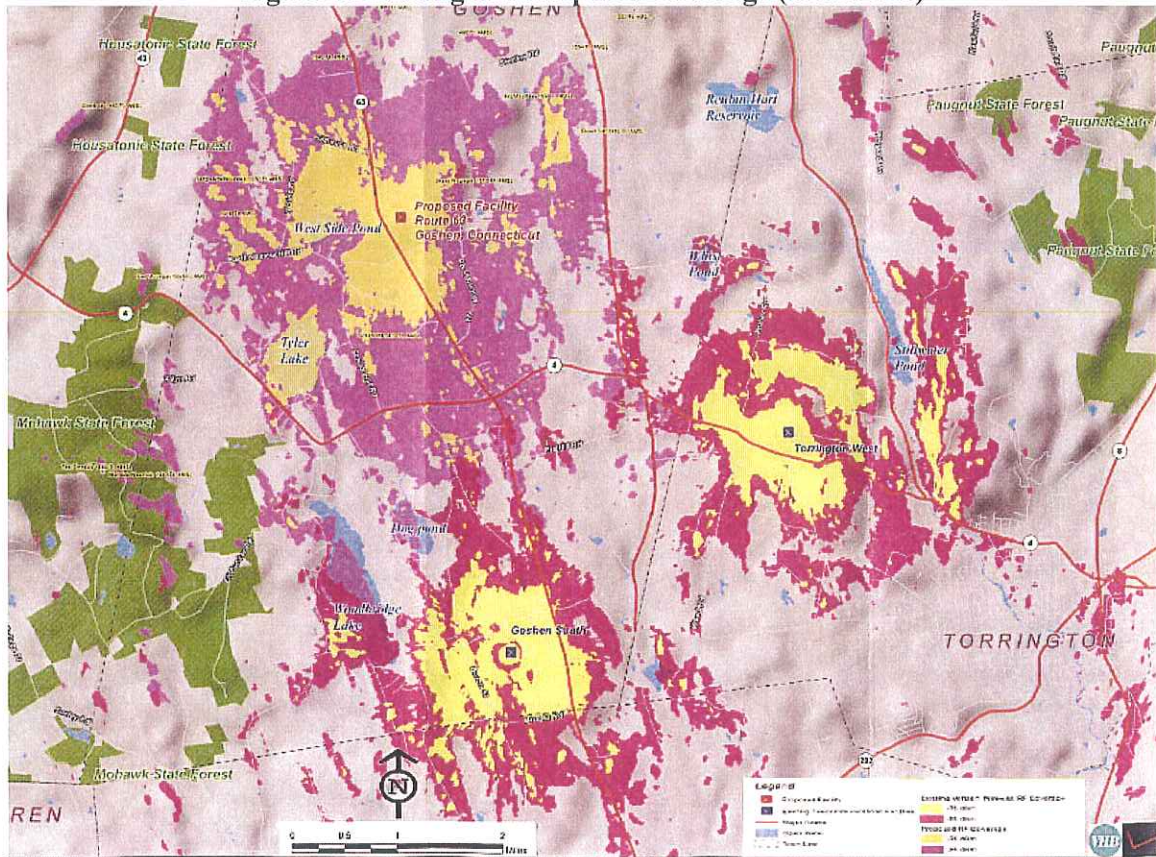
(Cellco 1, Attachment 1)

Figure 3: Site Map



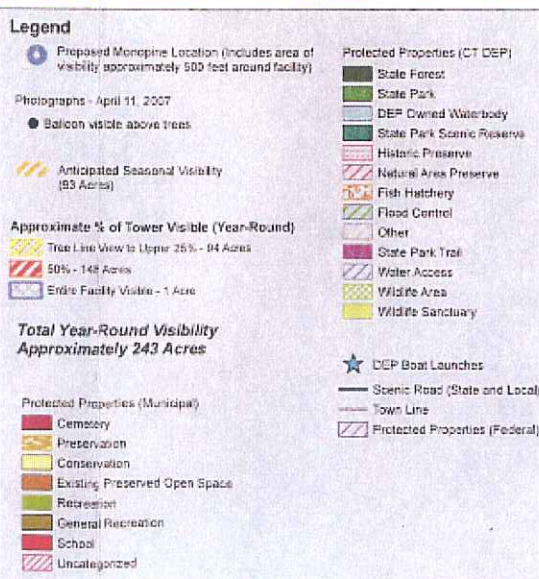
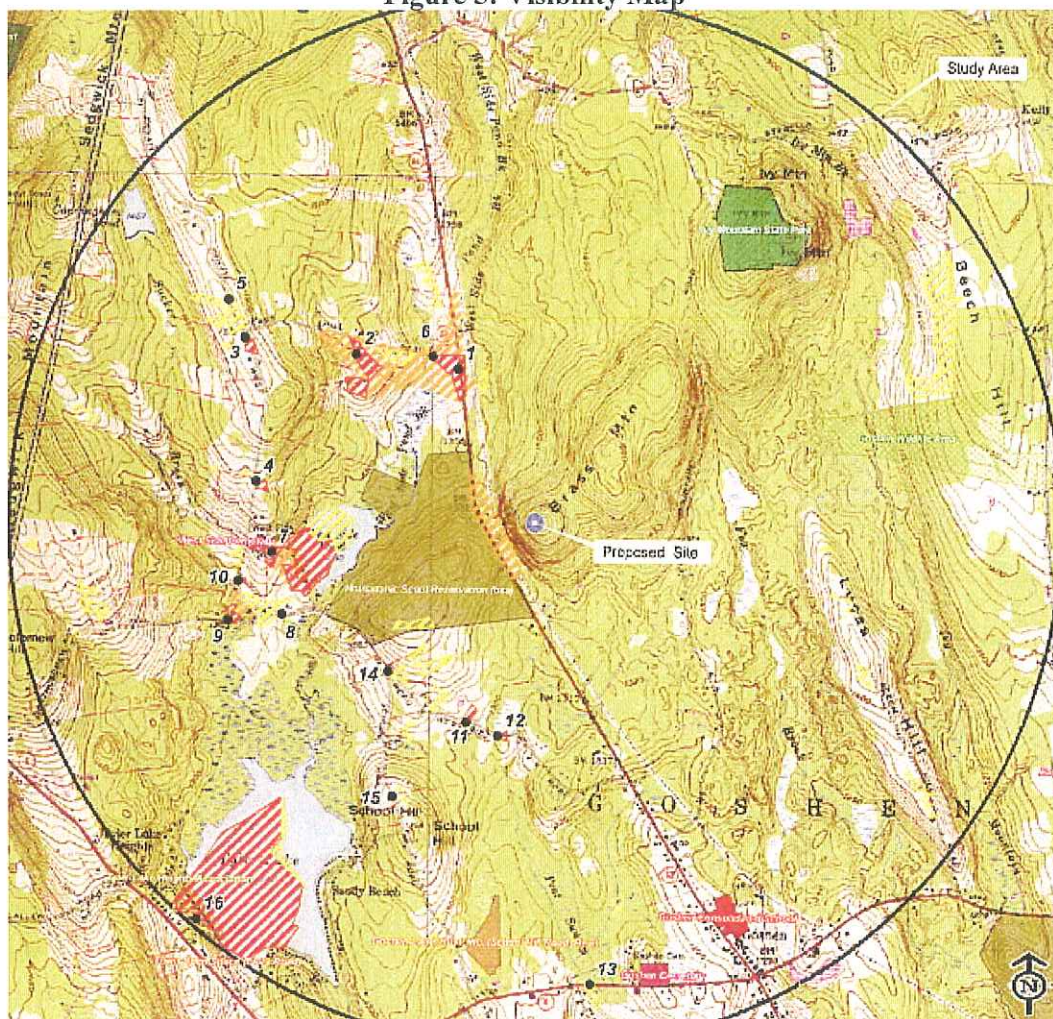
(Cellco 1, Attachment 1, Drawing C-1A)

Figure 4: Existing and Proposed Coverage (at 150 feet)



(Cellco 1, Attachment 6)

Figure 5: Visibility Map



(Cellco 1, Attachment 9)

DOCKET NO. 337 - Cellco Partnership d/b/a Verizon Wireless	}	Connecticut
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Public Need for the construction, maintenance and operation of a	}	Siting
telecommunications facility located off North Street (Route 63),	}	
Goshen, Connecticut.	}	Council

December 13, 2007

Opinion

On May 8, 2007, Cellco Partnership d/b/a Verizon Wireless (Cellco) applied to the Connecticut Siting Council (Council) for the issuance of a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility located off of North Street (Route 63) in Goshen, Connecticut. The applicant seeks to develop a facility on a 233-acre parcel owned by ARCA LLC. The ARCA property encompasses part of Brass Mountain, and Cellco's facility would be located near one of the higher elevations on the mountain. This location would enable Cellco to provide coverage along Route 63 and portions of Route 4 as well as on local roads in the central portion of Goshen.

Cellco would lease a 100-foot by 100-foot parcel within which it would construct a 150-foot monopole tower inside a 42-foot by 70-foot fenced equipment compound. Cellco's facility would require a 2,075-foot driveway that would extend from North Street and follow an existing dirt road across an intermittent watercourse with an associated wetland area and up a relatively steep slope. In order to minimize erosion and to control run-off, approximately 1,635 feet of the driveway would be paved beginning at the eastern edge of a CL&P right-of-way that crosses the road near the wetlands area. Cellco's tower would be designed to accommodate three additional wireless carriers and Town of Goshen public safety antennas.

The tower would be located well within the ARCA property, and its setback radius would lie completely within the property. Cellco originally proposed disguising its tower as a tree as a way to mitigate its visual impact in a rural community. Town of Goshen officials, however, expressed their preference for a regular monopole design, and Cellco agreed to forego its tree design.

The tower would be visible on a year-round basis from approximately 243 acres in the surrounding vicinity. Much of this acreage includes stretches of open water in Tyler Lake and West Side Pond. The tower would be seasonally visible from an estimated, additional 93 acres. Approximately 35 residences would have year-round views of the tower, and an additional six residences would have seasonal views.

Because of the proposed tower's location on one of Goshen's more prominent landmarks, Brass Mountain, the Council is concerned about the tower's visible presence in this rural community. It considered allowing the tower to be built at 160 feet and requiring flush-mounted antennas so that the tower would have a slimmer, less prominent profile. However, the Council decided that allowing carriers to mount antennas on T-arms would give them greater flexibility and would help keep the tower at the proposed height of 150 feet

An estimated 167 trees with a diameter at breast height of six inches or more would be removed to construct the access driveway, utility right-of-way, and facility compound. The access road would cross an intermittent watercourse and associated wetland. During a site visit, staff members of Connecticut's Department of Environmental Protection (DEP) observed two, and possibly three vegetative species that were listed as endangered or species of special concern in the vicinity of Cellco's access road. The species that were conclusively identified were Balsam fir (*Abies balsamea*), which is listed as a State Endangered Species, and Naked Miterwort (*Mitella nuda*), which is listed as a State Special Concern species. The third species, Bristly Black Currant (of the *Ribes* family), could not be positively identified since there were no flowers or fruit on the plants. DEP staff did, however, collect some of the plant's leaves to be sent to the University of Connecticut for identification. Bristly Black Currant is listed as a State Endangered Species.

Cellco would address the presence of listed species by conducting a worker education seminar prior to construction to ensure its construction crew is aware of the sensitivity of the listed species. It would also shift the wetland crossing to the north approximately 16 feet. It would deploy a double-walled, sandwich type silt fence as an additional erosion barrier during construction. It would install 300 linear feet of orange construction fence to highlight the boundaries of the sensitive area. It also re-designed the proposed drainage swales alongside the access road to avoid the potential of sedimentation build up. In order to minimize the potential for sedimentation building, check dams would be added to the access road to reduce water flow through the drainage swales. Cellco would also be amenable to hiring an independent inspector to monitor construction activities. The hiring of an independent inspector is a condition the Council expects to address during its review of the Development and Management Plan.

Improving the existing dirt access road would result in permanent wetland fill of approximately 1,880 square feet. To mitigate any potential disturbance to the watercourse and wetlands, Cellco would replace the existing single 12-inch culvert with two 24-inch culverts, which would be buried 12 inches below the existing streambed elevation. Installation of new 24-inch culverts would remove the scour hole created by the existing culvert. Streambed material would be placed in the culverts to recreate habitat and facilitate the passage of small finfish and other aquatic organisms through the culvert beneath the road crossing. Trap rock that had been placed in the streambed to minimize erosion would be replaced with native stream bed material.

Cellco's proposed facility would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to 2.46% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the proposed telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a telecommunications facility, which would include a 150-foot monopole tower, with T-arm mounted antennas, at the proposed site off of North Street (Route 63) in Goshen, Connecticut.

DOCKET NO. 337 - Cellco Partnership d/b/a Verizon Wireless } Connecticut
application for a Certificate of Environmental Compatibility and }
Public Need for the construction, maintenance and operation of a } Siting
telecommunications facility located off North Street (Route 63), }
Goshen, Connecticut. } Council

December 13, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Cellco Partnership d/b/a Verizon Wireless for the construction, maintenance and operation of a wireless telecommunications facility to be located off North Street (Route 63) in Goshen, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be designed and constructed as a monopole no taller than 150 feet above ground level to provide telecommunications services to both public and private entities. Panel antennas of commercial wireless telecommunications providers shall be installed on the tower using T-arm mounts.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Goshen and all parties and intervenors, as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antenna mountings, equipment building, access road, and utility line;
 - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new state or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Goshen public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Goshen. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Waterbury Republican-American.

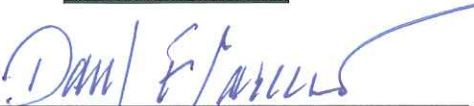

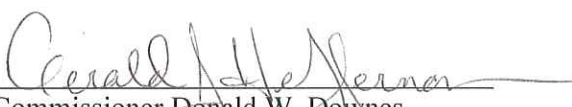
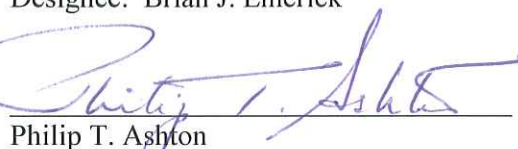
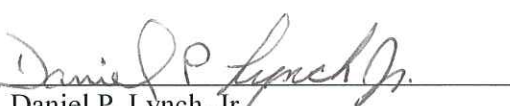
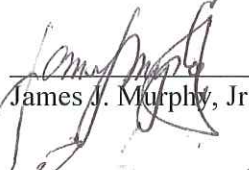
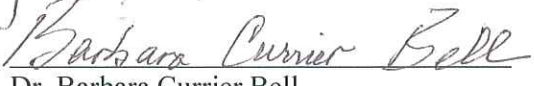
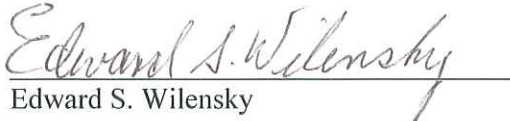
By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors in this proceeding are:

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Cellco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager 99 East River Drive East Hartford, CT 06108 Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 337** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63), Goshen, Connecticut, and voted as follows to approve the proposed site, located off North Street (Route 63), Goshen, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
 Commissioner Gina McCarthy Designee: Brian J. Emerick	Absent
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	Abstain
 James J. Murphy, Jr.	Yes
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, December 14, 2007

STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 337 has been forwarded by Certified First Class Return Receipt Requested mail on December 27, 2007, to all parties and intervenors of record as listed on the attached service list, dated May 24, 2007.

ATTEST:



Carriann Mulcahy
Secretary
Connecticut Siting Council

May 24, 2007

Docket No. 337

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LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Cellco Partnership d/b/a Verizon Wireless 99 East River Drive East Hartford, CT 06108	Sandy Carter Regulatory Manager 99 East River Drive East Hartford, CT 06108 Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051


Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

December 27, 2007

TO: Classified/Legal Supervisor
337070629
Waterbury Republican American
389 Meadow Street
P.O. Box 2090
Waterbury, CT 06722

FROM: Carriann Mulcahy, Secretary 

RE: **DOCKET NO. 337** - Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63), Goshen, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

CM



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Internet: ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on December 14, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off North Street (Route 63) in Goshen, Connecticut.. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.